

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

In re ACCREDO HEALTH, INC.)	
SECURITIES LITIGATION)	
)	
)	Civil Action No. 03-CV-2216-BBD
This Document Relates To:)	
)	<u>CLASS ACTION</u>
ALL ACTIONS)	

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE ANY TESTIMONY,
REFERENCE TO, OR EVIDENCE REGARDING MEDCO HEALTH SOLUTIONS,
INC.'S DUE DILIGENCE OF ACCREDO HEALTH, INC.**

Defendants Accredo Health, Inc. ("Accredo"), David D. Stevens, and Joel R. Kimbrough (collectively, "Defendants"), respectfully move the Court for an Order in limine excluding from evidence at trial any testimony concerning, any reference to, and any records and documents produced by third-party Medco Health Solutions, Inc. ("Medco") regarding the due diligence performed by Medco in connection with its acquisition of Accredo in the above-styled matter on the grounds that the evidence is inadmissible under Rule 402 of the Federal Rules of Evidence because it is not relevant. Further, to the extent any such evidence may be deemed to be relevant, it is inadmissible under Rule 403 of the Federal Rules of Evidence because any probative value it may have is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the trier of fact, and/or by considerations of undue delay and waste of time. Moreover, the evidence is inadmissible opinion testimony and hearsay under Rules 701 and 802. Defendants rely upon their memorandum contemporaneously filed herewith in support of this Motion.

WHEREFORE, Defendants respectfully request that the Court grant its Motion in Limine and exclude the above-referenced evidence and grant any and all further relief as the Court deems just and proper.

Respectfully submitted this 8th day of September, 2008.

s/ Douglas F. Halijan

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was forwarded *via* the Court's electronic filing system, this 8th day of September, 2008 to:

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